

Congress of the United States
House of Representatives
Washington, DC 20515–3313

March 28, 2022

Secretary Cardona,

It has come to my attention that the Department of Education (DOE) issued a proposed rule that will limit choice in primary and secondary education.¹ I strongly urge you to reconsider this decision.

Under the proposed rule published on March 14, 2022, new charter schools will be required to demonstrate “sufficient demand” in a community to be eligible for federal grant money.² For many families, charter schools represent an escape from mismanaged school systems that fail to deliver meaningful, positive outcomes for students. Comparatively, charter schools often deliver strong outcomes while also being an effective steward of taxpayer dollars. Charter schools must compete for students and offer flexibility needed to cater to students left behind by public school systems. Research published by the Reason Foundation in 2019 demonstrates that charter schools were as much as 63% more effective in delivering superior student outcomes while also receiving less funding than their traditional counterparts.³

DOE’s false assumption that prospective charter schools must demonstrate a need within a given community represents a backdoor attempt to limit choice for parents and students. These sorts of burdensome requirements would never be applied to school systems beholden to powerful teachers unions that organize against the interests of families and students. For example, would DOE audit failing schools to restrict further federal funds? The resistance to reopen schools to in-person learning and the effort to indoctrinate students with Critical Race Theory serve as potent reminders that parents must have options beyond traditional school systems. DOE’s efforts to limit competition and protect failing school systems must be abandoned.

As Secretary of Education, you have an obligation to every student across this country to ensure they have a fair shot at a decent education. While I am aware of your close relationship with

¹ Proposed Priorities, Requirements, Definitions, and Selection Criteria-Expanding Opportunity Through Quality Charter Schools Program (CSP)-Grants to State Entities (SE Grants); Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools (CMO Grants); and Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools (Developer Grants), 87 Fed. Reg. 14,197 (Proposed Rule Mar. 14, 2022) (hereafter “Proposed Rule”).

² Laura Meckler, Biden Administration Proposes Tougher Rules for Charter School Grants, Wash. Post (Mar. 21, 2022), <https://www.washingtonpost.com/education/2022/03/21/biden-charter-schools-funding/>.

³ Corey DeAngelis, *A Wise Investment: The Productivity of Public and Private Schools of Choice in Wisconsin* (May 15, 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3388304.

teacher's unions,⁴ I urge you to rescind this harmful provision that will limit student's educational outlooks to their zip code.

Sincerely,

A handwritten signature in blue ink, reading "Ted Budd". The signature is fluid and cursive, with the first name "Ted" and last name "Budd" clearly distinguishable. It is positioned above a thin horizontal line.

Ted Budd
Member of Congress

⁴ Peter Hasson, Education Secretary Cardona Solicited NSBA Letter Comparing Protesting Parents to Domestic Terrorists: Email, Fox News (Jan. 10, 2022), <https://www.foxnews.com/politics/education-secretary-cardona-solicited-nsba-letter-comparing-parents-domestic-terrorists-email>.